

GREBEN & ASSOCIATES

1332 ANACAPA STREET, SUITE 110

SANTA BARBARA, CA 93101

TELEPHONE: (805) 963-9090

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Jan A. Greben, State Bar No. 103464

Jenna L. Motola, State Bar No. 246738

Attorneys for Plaintiff Wells Fargo Bank, N.A.,
as Trustee of the Clara Poppic Trust

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK, N.A., as TRUSTEE
for the CLARA POPPIC TRUST,

Plaintiff,

vs.

KENNETH G. RENZ; ESTATE OF
JACKSON R. DENNISON; ESTATE OF
WILEY UMSTEAD; KAZUKO UMSTEAD;
WON JAE YI aka MICHAEL YI; NAN Y.
PARK; GUAN HUANG; YING ZHANG and
SUI SONG,

Defendants.

And Related Counterclaim.

Case No. CV 08 2561 SBA

COMPLAINT FILED: 5/21/08

TRIAL DATE: None Set

**REQUEST TO ENTER DEFAULT OF
SUI SONG**

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff Wells Fargo Bank, N.A., as Trustee for the Clara Poppic Trust ("Plaintiff")
hereby requests that the Clerk of the above-entitled Court enter default in this matter against
defendant Sui Song ("Song") on the ground that said defendant has failed to appear or otherwise
respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure.
Plaintiff served the First Amended Complaint on Song on July 3, 2008, evidenced by the proof of
service of summons on file with this Court. [Motola Dec. Ex. "A"]. Accordingly, Song's

1 responsive pleading was due on July 14, 2008. Fed. R. Civ. P. 15(a)(3). As of today's date,
2 Song has failed to answer or otherwise appear. [Motola Dec. ¶ 4].

3 The above stated facts are set forth in the accompanying declaration of Jenna L. Motola,
4 Esq., filed herewith.

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7 Dated: August 18, 2008

GREBEN & ASSOCIATES

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10 JANA A. GREBEN
11 JENNA L. MOTOLA
12 Plaintiff Wells Fargo Bank, N.A.,
13 as Trustee of the Clara Poppic Trust
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Jenna L. Motola, State Bar No. 246738
Attorneys for Plaintiff Wells Fargo Bank, N.A.,
as Trustee of the Clara Poppic Trust

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WELLS FARGO BANK, N.A., as TRUSTEE
for the CLARA POPPIC TRUST,

Plaintiff,

vs.

KENNETH G. RENZ; ESTATE OF
JACKSON R. DENNISON; ESTATE OF
WILEY UMSTEAD; KAZUKO UMSTEAD;
WON JAE YI aka MICHAEL YI; NAN Y.
PARK; GUAN HUANG; YING ZHANG and
SUI SONG,

Defendants.

Case No. CV 08 2561 SBA

COMPLAINT FILED: 5/21/08
TRIAL DATE: None Set

**DECLARATION OF JENNA L.
MOTOLA, ESQ. IN SUPPORT OF
REQUEST TO ENTER DEFAULT OF
SUI SONG**

I, Jenna L. Motola, declare:

1. I am an attorney at law, duly licensed to practice before each superior court in the state of California and admitted to practice in the Northern District of California, and am an associate attorney with Greben & Associates, attorneys of record for Plaintiff Wells Fargo Bank, N.A., as Trustee of the Clara Poppic Trust. I make this declaration based upon my own personal knowledge. If called to testify, I could and would competently testify to each matter set forth herein.

2. Attached as Exhibit "A" and incorporated herein by this reference is a copy of the Proof of Service of Summons for Sui Song filed on July 3, 2008.

EXHIBIT “A”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) GREBEN & ASSOCIATES Jan A. Greben, (SBN: 103464) 1332 ANACAPA STREET, SUITE 110 Santa Barbara, CA 93101 TELEPHONE NO.: (805) 963-0090 FAX NO. (Optional): (805) 963-0098 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Northern		
PLAINTIFF/PETITIONER: WELLS FARGO BANK, N.A., as Trustee for the Clara Poppic Trust DEFENDANT/RESPONDENT: KENNETH G. RENZ JACKSON R. et al		CASE NUMBER: CV 08 2561 EMC
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: POPPIC TRUST

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☐ summons
 - b. ☐ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): **First Amended Summons; First Amended Complaint; Civil Case Cover Sheet; All Standing Orders; ECF Information Sheet; Notice of Case Assignment to a Magistrate Judge; Court Information;**
3. a. Party served (specify name of party as shown on documents served):
SUI SONG
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):
4. Address where the party was served: **1650 13TH AVE
OAKLAND, CA 94606**
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ by substituted service. On (date): **07/03/2008** at (time): **05:05 pm** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):
TAC SONG, BROTHER (M,29yrs,5'7,200lbs,Asian,Blk/Brm)
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☒ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
 - (5) ☒ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: WELLS FARGO BANK, N.A., as Trustee for the Clara Poppo Trust	CASE NUMBER:
DEFENDANT/RESPONDENT: KENNETH G. RENZ JACKSON R. et al	CV 08 2561 EMC

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.80 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Granville Smith**
- b. Address: **55 Santa Clara Ave., Suite 120 Oakland, CA 94610**
- c. Telephone number: **(510) 419-3940**
- d. The fee for service was: **\$ 98.60**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **1014**
- (iii) County: **Alameda**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

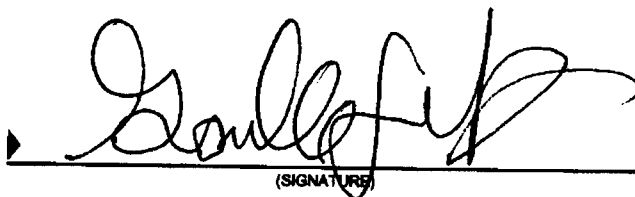
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **07/07/2008**

Interceptor Legal Support Service, Inc
55 Santa Clara Ave., Suite 120
Oakland, CA 94610
(510) 419-3940

Granville Smith

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Jan A. Greben, (SBN: 103464) GREBEN & ASSOCIATES 1332 ANACAPA STREET, SUITE 110 Santa Barbara, CA 93101 TELEPHONE NO.: (805) 963-9090 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Northern		
PLAINTIFF/PETITIONER: WELLS FARGO BANK, N.A., as Trustee for the Clara Poppic Trust DEFENDANT/RESPONDENT: KENNETH G. RENZ JACKSON R. et al		
DECLARATION OF DILIGENCE		CASE NUMBER: CV 08 2561 EMC

I received the within process on June 30, 2008 and that after due and diligent effort I have not been able to personally serve said witness. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Servee: SUI SONG

As enumerated below:

06/30/2008 – 02:11 pm

1650 13TH AVE
OAKLAND, CA 94606

(NAR) - There was no answer at the given residence address at the time of this attempt.

07/01/2008 – 07:42 pm

1650 13TH AVE
OAKLAND, CA 94606

(NAR) - There was no answer at the given residence address at the time of this attempt.

07/02/2008 -- 01:50 pm

**1650 13TH AVE
OAKLAND, CA 94606**

(NAR) - There was no answer at the given residence address at the time of this attempt.

County: **Alameda**
Registration No.: **1014**
Interceptor Legal Support Service,
Inc
55 Santa Clara Ave., Suite 120
Oakland, CA 94610
(510) 419-3940

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **July 7, 2008** at **Oakland, California**.

Signature:

Granville Smith

DECLARATION OF DILIGENCE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Jan A. Greben, (SBN: 103464) GREBEN & ASSOCIATES 1332 ANACAPA STREET, SUITE 110 Santa Barbara, CA 93101 TELEPHONE NO.: (805) 963-9090 FAX NO.: (805) 963-9098 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Northern	
PLAINTIFF/PETITIONER: WELLS FARGO BANK, N.A., as Trustee for the Clara Poppic Trust DEFENDANT/RESPONDENT: KENNETH G. RENZ JACKSON R. et al	
PROOF OF SERVICE BY MAIL	CASE NUMBER: CV 08 2561 EMC

I am a citizen of the United States and employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 55 Santa Clara Ave., Suite 120, Oakland, CA 94610.

On July 7, 2008, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

First Amended Summons; First Amended Complaint; Civil Case Cover Sheet; All Standing Orders; ECF Information Sheet; Notice of Case Assignment to a Magistrate Judge; Court Information;

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

**SUI SONG
1650 13TH AVE
OAKLAND, CA 94606**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at Oakland, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Fee for Service: **98.60**

Mailed From: **Oakland**
Monica Sok
Interceptor Legal Support Service,
Inc
55 Santa Clara Ave., Suite 120
Oakland, CA 94610
(510) 419-3940

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **July 7, 2008**.

Signature: _____

Monica Sok

PROOF OF SERVICE BY MAIL

Order#: P158066/GProof5

EXHIBIT “B”

GREBEN & ASSOCIATES

ATTORNEYS AT LAW

JAN ADAM GREBEN
jan@grebenlaw.com

JENNA L. MOTOLA
jenna@grebenlaw.com

ARLINGTON COURT
1332 ANACAPA STREET, SUITE 110
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805-963-9090
FACSIMILE 805-963-9098

SACRAMENTO
WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 1100
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916.447.4450
FACSIMILE 916.447.2414

July 30, 2008

VIA U.S. MAIL


Sui Song
1650 13th Avenue
Oakland, CA 94606

Re: Wells Fargo v Renz et al
Case No.: CV 08 02561 EMC

Dear Sui Song,

This letter is to advise you that your answer to the first amended complaint of Wells Fargo Bank, as trustee of the Clara Poppic Trust, in the above referenced matter, was due on July 28, 2008. We have attached a copy of the first amended complaint for your reference. If no answer is filed with the Court by August 4, 2008, we will have no choice but to enter your default in this matter. If you should have any questions, feel free to contact us.

Sincerely,


Jenna L. Motola
GREBEN & ASSOCIATES

JLM/bh
Enclosure

PROOF OF SERVICE BY U.S. MAIL

I, the undersigned, declare:

I am over the age of 18 and not a party to the above-entitled action. My business address is 1332 Anacapa St., Suite 110, Santa Barbara, California 93101.

On the date set forth below, I served the document(s) entitled:

REQUEST TO ENTER DEFAULT OF SUI SONG

**DECLARATION OF JENNA L. MOTOLA, ESQ. IN SUPPORT OF REQUEST TO
ENTER DEFAULT OF SUI SONG**

On the parties in this action, by placing a true and correct copy thereof in a sealed envelope, addressed as set forth below:

Won Jae Yi 2565 Telegraph Ave. Berkeley, CA 94704	Defendant in Pro Per
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day, with postage thereon fully paid, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit indicated in the affidavit.

I declare that I am employed in the office of a member of the State Bar of this Court, at whose direction the above service was made. I also declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the date hereinafter set forth.

Date: August 18, 2008



Brian Haeberle